

A. CONFIDENTIALITY

Purpose: The department is responsible for ensuring that confidential information is not released to clients or third parties inappropriately or illegally. Confidential information can be disclosed only under the specific criteria in chapter 388-01 WAC.

CLARIFYING INFORMATION

Policies related to disclosure of confidential information are contained in chapter 388-01 WAC and in departmental administrative policies. The CSO Public Disclosure Coordinator is responsible for approving or denying requests for disclosure of confidential information.

1. The following information is considered confidential:
 - a. Information contained in case records:
 - (1) Names, birth dates, marital status, employment status, personal history;
 - (2) Location, current address and telephone number;
 - (3) Types of services being received, amounts of benefits and fair hearing activity;
 - (4) Social Security numbers; and
 - (5) Medical or psychiatric information.
 - b. Information about third parties:
 - (1) Information about the identity of individuals who have filed complaints; and
 - (2) The identity of individuals who have provided information under condition of remaining anonymous.
 - c. Information available from other agencies:

- (1) Employment or benefit information from the Employment Security Department;
 - (2) Information from the Social Security Administration; and
 - (3) Birth information from Vital Statistics.
2. Confidential information except chemical dependency treatment information may be provided to a person who works directly with:
 - a. Federal or state-funded public assistance programs including the federal food stamp program when used for the administration of the programs;
 - b. The child support program under Title IV -D of the Social Security Act when used for the administration of the child support program; or
 - c. Local, state or federal law enforcement agencies. Information will be released to a local, state, or federal law enforcement agency only when the request:
 - (1) Identifies the person making the request including their authority to do so;
 - (2) Identifies the client;
 - (3) Provides the Social Security Number of the client;
 - (4) States the request is an official duty or that finding and apprehending the client is an official duty;
 - (5) Describes the violation being investigated; and
 - (6) Limits the requested information to the address of the client.
3. Release information to the U.S. Consulate (U.S. Department of State) only when the client has provided a written release for the information requested.
4. At the client's request information provided by the client or previously given to a

- client may be disclosed to the client or their representative.
5. Information provided by third parties may be disclosed to the client or the client's representative when:
 - a. A fair hearing has been requested on an issue related to the information; or
 - b. The Public Disclosure Coordinator determines that:
 - (1) The release is necessary; and
 - (2) The information was provided with the understanding that it might be released.
 6. Information relating to the identity of third parties who have filed complaints regarding clients (or other) and/or who have provided information on condition of anonymity must not be released unless required by a court order.
 7. Information may be released to individuals or agencies with valid releases of information signed and dated by the client. A release of information is valid if it is:
 - a. Signed by the client, presented within any time frames mentioned on the release;
 - b. Presented by the individual to whom the release is made out; and
 - c. A request for information that can be legitimately released.
 8. Information except chemical dependency treatment information may be disclosed to any administrative division of DSHS when the purpose of the request for information is to administer the programs of the department.
 9. Routine transfers of information are subject to the same criteria.
 10. Information may be disclosed to outside agencies only for purposes directly connected with the administration of department programs. Outside agencies who receive confidential information are bound by the same rules as DSHS.
 11. The following information may be disclosed to medical providers:

- a. Proof that the client is eligible for medical assistance;
 - b. Dates of eligibility;
 - c. The PIC code with the tie breaker;
 - d. The program for which the client is eligible; and
 - e. Medicare eligibility status.
12. The following information may not be disclosed to medical providers:
- a. Client names and addresses;
 - b. Medical services provided;
 - c. Social and economic conditions or circumstances;
 - d. Agency evaluation of personal information; and
 - e. Medical data.
13. Confidential information cannot be provided for:
- a. Commercial or political purposes.
 - b. Personal purposes by any employee of the department.

WORKER RESPONSIBILITIES

1. Disclosure to Third Parties

The department must disclose to anyone making inquiry whether or not a named individual is currently receiving assistance. The department's response is limited to a "yes" or "no" answer. Further information is prohibited without a release from the client.

2. Disclosure to Courts of Law

Information can only be disclosed with a court order.

3. Disclosure to Government Officials

Treat requests from government officials like any other third-party request. Refer the request to the CSO Public Disclosure Coordinator.

4. Special Situations

- a. Translators and contractors must be informed of the rules regarding confidentiality and are bound by those rules to the same degree as a department employee.
- b. See **INTERVIEW REQUIREMENTS** for rules and procedures related to TANF/SFA Family Violence Screening and Referral.
- c. See **RIGHTS AND RESPONSIBILITIES** for rules and procedures related to the rights and responsibilities of a client receiving public assistance.
- d. See the **NSA** (Needs Supplemental Accommodation) Handbook for rules and procedures for NSA.

WAC 388-428-0010 Request for address disclosure by a parent when a child is living with a nonparental caretaker.

- (1) When TANF or SFA has been approved for a child who is living with a nonparental caretaker, the address and location of the child may be released to the child's parent when:
 - (a) The parent has legal custody of the child or is allowed visitation rights or residential time with the child under a court order; and
 - (b) No court order restricts or limits the parent's right to contact or visit the child or the child's caretaker by imposing conditions to protect the child or the caretaker from harm;

- (c) The department has not found that the caretaker has good cause for refusing to cooperate in child support enforcement activities related to the parent's support obligation; and
 - (d) There is no substantiated claim or pending investigation involving abuse or neglect of any child by the parent;
 - (e) There are no pending proceedings as listed in subsections (1)(b) through (d).
- (2) A parent may request the child's address and location:
 - (a) In person, with satisfactory evidence of identity, at the community services office where the child's record is being maintained;
 - (b) Through an attorney; or
 - (c) If residing outside the state of Washington, by submitting a notarized request.
- (3) If the request for the child's address and location is based on a court order granting the parent legal custody, visitation rights or residential time, the parent must also submit:
 - (a) A copy of the court order; and
 - (b) A sworn statement that the order has not been modified.
- (4) Prior to release of the child's address and location, the child's caretaker will be notified that:
 - (a) The child's parent has requested the information; and
 - (b) The information will be released within thirty days from the date of the notice unless the caretaker:
 - (i) Provides proof of a current investigation or pending court case involving the abuse or neglect of any child by the parent;

	<ul style="list-style-type: none"> (ii) Provides a copy of a court order which prevents disclosure of the address or restricts the parent's right to contact or visit the caretaker or the child by imposing conditions to protect the caretaker or child from harm; (iii) Requests a fair hearing which results in a decision that disclosure must be denied because of the existence of one or more of the conditions in subsection (1) of this section.
<p>(5)</p> <ul style="list-style-type: none"> (a) (b) (c) (d) 	<p>A parent's request for disclosure of a child's address and location will be responded to within thirty-five days. The response will notify the parent:</p> <p>Of the child's address and location if the information may be disclosed;</p> <p>The reasons for denying the request if the information may not be disclosed; or</p> <p>That a decision has not been made because the child's caretaker:</p> <ul style="list-style-type: none"> (i) Has requested a hearing and a final hearing decision has not been entered; or (ii) Is claiming good cause for refusing to cooperate in child support enforcement activities related to the parent's support obligation and a final decision has not been made on the caretaker's claim. <p>When the decision has not been made because of a pending fair hearing decision or good cause claim determination, the parent will be notified of the decision within ten days of the hearing decision or good cause determination.</p>

CLARIFYING INFORMATION

Disclosing information to parents with visitation rights or legal custody.

1. Disclosure of the address of a child on assistance to a parent who is not in the child's household is governed by RCW 74.04.060, 26.23.120 and 74.12.

2. Disclosure of information to any other parent of a child on assistance is handled by the Division of Child Support.